

May 23, 2019
CCO-077

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NATIONAL LABOR RELATIONS BOARD

Petitioner

V.

ARNOLD WALTER NURSING AND
REHABILITATION CENTER

Respondent

No.

Board Case Nos.

22-CA-180557

22-CA-186982

JUDGMENT ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD

Before: Judge Chagares, Restrepo and Scirica, Circuit Judges

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, Arnold Walter Nursing and Rehabilitation Center, its officers, agents, successors, and assigns, enforcing its Order dated January 11, 2019, in Case Nos. 22-CA-180557 and 22-CA-186982, reported at 367 NLRB No. 66, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, Arnold Walter Nursing and Rehabilitation Center, its officers, agents, successors, and assigns, shall abide by said Order (see attached Order).

Mandate shall issue forthwith.

NATIONAL LABOR RELATIONS BOARD

v.

ARNOLD WALTER NURSING AND REHABILITATION CENTER

ORDER

Arnold Walter Nursing and Rehabilitation Center, Hazlet, New Jersey, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Failing and refusing to bargain with 1199 Service Employees International Union, United Healthcare Workers East (the Union) as the exclusive collective-bargaining representative of the employees in the bargaining unit by unduly delaying meetings.
 - (b) Refusing to bargain with the Union by failing and refusing to provide the Union with requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of the Respondent's unit employees.
 - (c) Refusing to bargain with the Union by unreasonably delaying in providing the Union with requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of the Respondent's unit employees.
 - (d) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) On request, meet at reasonable times and bargain with the Union as the exclusive collective-bargaining representative of the employees in the following appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

All employees excluding registered nurses, office clerical employees, supervisors, watchmen and guards.

- (b) Furnish to the Union in a timely manner the information requested by the Union on April 28, 2016, that has not already been provided, specifically the information set forth above in paragraph 2(a)(6), (b), (e), and (f) of this decision.
- (c) Within 14 days after service by the Region, post at its Hazlet, New Jersey facility copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 22, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since April 28, 2016.
- (d) Within 21 days after service by the Region, file with the Regional Director for Region 22 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

s/ L. Felipe Restrepo
Circuit Judge

June 20, 2019
Lmr/cc: David Habenstreit
David Jasinski

APPENDIX

NOTICE TO EMPLOYEES

**POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES
COURT OF APPEALS ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this Notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities

WE WILL NOT fail and refuse to bargain with 1199 Service Employees International Union, United Healthcare Workers East (the Union) as the exclusive collective-bargaining representative of our employees in the bargaining unit by unduly delaying meetings.

WE WILL NOT refuse to bargain with the Union by failing and refusing to provide the Union with requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of our unit employees.

WE WILL NOT refuse to bargain with the Union by unreasonably delaying in providing the Union with requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of our unit employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL on request, meet at reasonable times and bargain with the Union as the exclusive collective-bargaining representative of the employees in the following appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement:

All employees excluding registered nurses, office clerical employees, supervisors, watchmen and guards.

WE WILL furnish to the Union in a timely manner the information requested by the Union on April 28, 2016 that we have not already provided.

ARNOLD WALTER NURSING AND REHABILITATION CENTER

The Board's decision can be found at <https://www.nlr.gov/case/22-CA-180557> or by using the QR code below . Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

